

EPA-6483

Barry Elman/DC/USEPA/US

02/28/2012 04:51 PM

To Eileen Pritchard

cc Bruce Schillo

bcc

Subject One Pager in SCOUT for SAN 5281 - NESHAP Uranium Mill Tailings

Per my conversation this afternoon with Bruce, here's my third and final updated one-pager. OS for the Uranium Extraction rule has been delayed and will not occur for at least 4-5 weeks, so per my earlier conversation with Bruce, I will not be sending an updated one-pager for that rule.

Barry

-----Forwarded by Barry Elman/DC/USEPA/US on 02/28/2012 03:17PM -----

To: Barry Elman/DC/USEPA/US@EPA

From: Eileen Pritchard/DC/USEPA/US

Date: 02/27/2012 07:58AM

Cc: Bruce Schillo/DC/USEPA/US@EPA

Subject: One Pager in SCOUT for SAN 5281 - NESHAP Uranium Mill Tailings

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Action One-Pager

Last Revised: 02/07/2012 Barry Elman

Issue Title:

NESHAP Amendments for Operating Uranium Mill

Tailings (Subpart W); SAN 5281
OAR

Initiating Office:

Group Heading:

Radiation

Current Process Status

Option Selection meeting held on June 30, 2011. NPRM currently under development. FAR not yet scheduled but may be held as early as the last week in March.

Action Overview

NESHAP Subpart W protects human health and the environment by setting radon (radon-222) emission standards and/or work practice standards for operating uranium mill tailings impoundments. A (b)(5) - Deliberative standard was initially promulgated for this source category on December 15, 1989. Under that standard, "existing" tailings impoundments (i.e., those in existence prior to promulgation of the standard) are subject to a radon flux limit while "new" tailings impoundments (i.e., those constructed after December 15, 1989) are subject to work practice requirements that limit the size and number of impoundments, or the amount of tailings that may remain uncovered at any time. EPA is reviewing the 1989 (b)(5) - Deliberative standard because the CAA Amendments of 1990 require EPA to review and revise such requirements every ten years.

Key Issues

(b)(5) - Deliberative Process Privilege

[REDACTED]

The NPRM will propose to (b)(5) - Deliberative Process Privilege

[REDACTED]

Stakeholder Issues

(b)(5) - Deliberative Process Privilege

Background

(b)(5) - Deliberative Process Privilege

In 1989, when the original Subpart W standards were promulgated, the predominant method of uranium recovery involved the use of conventional mills. Since then, a new type of process has taken hold as the dominant method for uranium recovery. That process is in situ leach (ISL) recovery. Currently, there are eight active ISL facilities with many more expected to be permitted in the future. These facilities also have NRC (or Agreement State) operating licenses, and UIC permits from EPA or authorized states. In the future, the heap leach recovery process is also expected to become economically viable. EPA views any holding or evaporation ponds at conventional mills, ISL facilities and heap leach facilities as falling under EPA's Subpart W. (b)(5) - Deliberative Process Privilege

Milestones:

Stage	Milestone	Date	Comment
NPRM	Preliminary Analytic Blueprint	01/22/2009 completed	ADMIN COMMENT: Circulated through workgroup and ORIA OD.
NPRM	Early Guidance	04/09/2009 completed	
NPRM	Detailed Analytic Blueprint	06/08/2009 completed	
NPRM	Option Selection	06/30/2011 completed	
NPRM	FAR (Materials Distribution)	03/07/2012 projected	
NPRM	OMB Review (Prog Office to OP)	04/13/2012 projected	
NPRM	Administrator's Signature ([IMAGE] Prog Office to OP)	08/15/2012 projected	
Final Action	Preliminary Analytic	09/14/2012	

	Blueprint	projected
Final Action	Early Guidance	10/12/2012 projected
Final Action	Detailed Analytic Blueprint	11/09/2012 projected
Final Action	Option Selection	12/25/2012 projected
Final Action	FAR (Materials Distribution)	03/25/2013 projected
Final Action	OMB Review ([IMAGE]Prog Office to OP)	05/16/2013 projected
Final Action	Administrator's Signature ([IMAGE] Prog Office to OP)	01/11/2014 projected

Analyst's Drafting Notes

Last Edited: ,

D[IMAGE]eliberative...Not Agency Policy...Do Not Quote, Cite or Distribute